

Amendments to the Drawings

Fig. 3 has been amended to correct a typographical error in the “Definition” at **300**, replacing “prive” with “price”. No new matter is introduced.

REMARKS

The Specification and Drawings have been amended. Claims 1, 11 - 16, 20 - 21, and 24 have been amended. No new matter has been introduced with these amendments, all of which are supported in the application as originally filed. Claims 22 - 23 have been cancelled from the application without prejudice. Claims 1 - 21 and 24 - 25 remain in the application.

Applicants are not conceding that the subject matter encompassed by the claims as presented prior to this Amendment is not patentable over the art cited by the Examiner, as claim amendments and cancellations in the present application are directed toward facilitating expeditious prosecution of the application and allowance of the currently-presented claims at an early date. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by the claims as presented prior to this Amendment and additional claims, in one or more continuing applications.

I. **Proposed Replacement Drawing**

A proposed replacement drawing is provided herewith for **Fig. 3**, as discussed above in "Amendments to the Drawings". No new matter has been introduced with this proposed replacement drawing.

II. **Oath/Declaration**

Page 2 of the Office Action dated November 15, 2007 (hereinafter, "the Office Action") states that the oath or declaration is defective. In particular, it is stated that the oath/declaration

was not signed by all inventors. Applicants respectfully disagree. The original Oath/Declaration comprises 7 pages in total. In the Oath/Declaration submitted on July 2, 2003, there are 14 pages, which comprises 2 separate copies of this Oath/Declaration. In the copy comprising the first 7 pages, the signature of inventor Randy D. Baxter is missing; this signature is provided in the copy comprising the last 7 pages. In the copy comprising the last 7 pages, the signature of inventor Uwe K. Hansmann is missing, and this signature is provided in the copy comprising the first 7 pages. Accordingly, the signatures of all 16 inventors are found in these two copies as originally submitted on July 2, 2003.

III. Claim Objections

Page 2 of the Office Action states that Claims 15, 20, and 21 are objected to because of informalities. Appropriate corrections are provided in the claims as amended herein, and the Examiner is therefore respectfully requested to withdraw this objection.

IV. Rejection Under 35 U. S. C. §112, second paragraph

Page 3 of the Office Action states that Claim 12 is rejected under 35 U. S. C. §112, second paragraph, as being indefinite. Appropriate corrections are provided in the claims as amended herein, and the Examiner is therefore respectfully requested to withdraw this rejection.

V. Rejection under 35 U. S. C. §103(a)

Page 3 of the Office Action states that Claims 1 - 4, 7, 14 - 17, and 22 - 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent Publication 2003/0216955 to

Miller et al. (hereinafter, “Miller”) in view of U. S. Patent 6,219,654 to Ruffin. Page 9 of the Office Action states that Claims 5 - 6 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miller and Ruffin in view of U. S. Patent Publication 2004/0068456 to Korisch. Page 10 of the Office Action states that Claims 8, 10, 13, 18 - 19, and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miller and Ruffin in view of U. S. Patent 7,103,561 to Sarkisian et al. (hereinafter, “Sarkisian”). Page 12 of the Office Action states that Claims 9 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miller, Ruffin, Sarkisian, and Official Notice. Page 14 of the Office Action states that Claims 11 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miller and Ruffin in view of Official Notice. Claims 22 - 23 have been cancelled from the application without prejudice, rendering the rejection moot as to those claims. The rejections are respectfully traversed with regard to Claims 1 - 21 and 24 - 25 as currently presented.

Applicants have amended their independent Claims 1, 14, and 24 herein, and respectfully submit that these claim as currently presented are not rendered obvious by the cited references or combinations thereof (assuming, *arguendo*, that such combination could be made and that one of skill in the art would be motivated to attempt it).

In particular, Applicants have amended the final claim element of Claim 1 to recite “generating a list of recommended actions, the list having an entry for each of the selected attributes for which the assigned attribute value falls below a threshold, each of the entries providing at least one suggestion for improving the assigned attribute value and a specification

of how much the assessment score would be increased if the assigned attribute value was raised to the threshold" (Claim 1, lines 13 - 17, emphasis added). See, for example, the "impact to score if brought to minimum ..." text in Applicants' Fig. 9 and the corresponding text on p. 29, line 13 - p. 30, line 2 of Applicants' specification, where this is discussed.

Applicants respectfully submit that Claim 1 is not obvious over the cited references under 35 U. S. C. §103(a) by virtue of (at least) these underlined recitations. Independent Claims 14 and 24 recite analogous claim language, and those independent claims are therefore deemed patentable over the references as well. Dependent Claims 2 - 13, 15 - 21, and 25 are deemed patentable by virtue of (at least) the patentability of the independent claims from which they depend.

The Examiner is therefore respectfully requested to withdraw the §103 rejections.

VI. Double-Patenting Rejections

Page 15 of the Office Action cites a number of commonly-owned patent applications, stating that various claims in those commonly-owned applications conflict with various claims of the subject application. Pages 16 - 18 provide further details, describing provisional obviousness-type double patenting rejections in view of each of these commonly-owned applications.

Applicants respectfully submit that their independent claims all recite limitations

analogous to those discussed above with reference to lines 13 - 17 of Claim 1, namely "... and a specification of how much the assessment score would be increased if the assigned attribute value was raised to the threshold". None of the commonly-owned applications include claims reciting this claim language. Applicants therefore respectfully submit that the claims as currently presented in the present application are patentably distinct from, and are not coextensive in scope with, the claims of the commonly-owned applications. The Examiner is therefore respectfully requested to withdraw the double-patenting rejections.

VII. Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding objections and rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

/Marcia L. Doubet/

Cust. Nbr. for Correspondence: 43168
Phone: 407-343-7586
Fax: 407-343-7587

Marcia L. Doubet,
Attorney for Applicants
Regis. Nbr. 40,999

Attachment: Replacement Sheet (1)